

Appl. No. : 09/696,841
Filed : October 25, 2000

REMARKS

In response to the Office Action mailed June 3, 2004, please reconsider the above-captioned application in consideration of the above amendments and the following remarks.

Some Withdrawn Claims Cancelled Without Prejudice

Applicant has cancelled Claims 1, 2, 4-11 and 18, which have been withdrawn from consideration due to Applicant's election filed October 30, 2003. These claims have been cancelled without prejudice, and Applicant reserves the right to further pursue these claims in additional applications.

Claim 25, which is currently withdrawn due to Applicant's election filed March 1, 2004, has not been cancelled. Claim 25 depends upon Claim 12, which is a generic claim that Applicant contends is currently in condition for allowance. As such, Applicant respectfully requests that Claim 25 be again considered by the Examiner.

All Claims Are Currently In Condition For Allowance

The Examiner rejected Claims 12, 13 and 15 under 35 U.S.C. § 102(b) as anticipated by Sansom (US 5,168,683) and rejected Claims 14 and 19-24 under 35 U.S.C. § 103(a) as unpatentable over Sansom in view of Kim (US 6,638,152). Applicant has amended independent Claim 12 to define over the cited references, and all of these claims are currently in condition for allowance.

Sansom discloses a channel, groove, or slot 11 cut in a concrete floor or the like, and a joint member 1 placed in the channel to seal the channel. The joint member 1 includes seal members 6, 7 that engage walls of the channel. When installed in the channel, a filler such as an epoxy sealant or grout 16, 17 is placed over the seal members and allowed to cure. See Col. 3, lines 30-43. As such, the joint member 1 is permanently secured in place, and is not releasably applied to the channel.

Sansom does not discuss the shape of a terminal side of the channel, groove or slot 11 that is cut in the concrete floor. Presumably, the channel is of typical, generally uniform depth, and thus the terminal side is generally flat.

Since Sansom does not teach or disclose all of the limitations of Claims 12, 13 and 15, Applicant respectfully requests that the Examiner remove the rejection of these claims.

Kim discloses a cutting tool that may be used to cut or grind workpieces such as brick, concrete, granite, marble, etc. Kim discloses that the cutting tool may be rotated "to grind

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workpieces 19 to form the cutting slot therein along a predetermined line.” Col. 9, lines 10-11. However, Kim does not discuss the shape of a terminal side of that slot. There is no indication that the terminal side is arcuate as required by Claim 12.

The references, taken alone or in combination, do not teach cutting an elongate slot in the body, wherein the slot has an opening and a terminal side generally opposite the opening, the terminal side being generally arcuate from a first end to the second end. Nor do the references teach releasably applying a closing strip in or adjacent the slot so as to form a key compartment between the slot terminal side and the strip, wherein the compartment is sized and adapted to accommodate a key therewithin.

New Claims Recite Patentable Subject Matter

New claims 26-34 have been added to further claim the subject matter that Applicant considers to be the invention. Claims 26 and 27 depend from now-allowable Claim 12 and recite additional patentable subject matter. Claim 28 is an independent claim from which Claims 29-34 depend. Each of these claims is currently believed to be in condition for allowance.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant’s attorney in order to resolve such issue promptly.

Respectfully submitted,

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Dated: _____

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By: _____



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